

**Enrolled Minutes of the Eleventh Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, May 09, 2016**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, May 09, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Attorney briefed the Town Council regarding the acquisition of the former *Shanahan and Shanahan* law partnership with *Taft Stettinius & Hollister, LLP*, and the need to authorize the transfer of the Town's records held by the former firm to the new firm. It was also noted that the James A. Shanahan recently died from complications associated with ALS. Jimmy D. Shanahan would be with the new firm and would concentrate his practice in public finance.
2. The Town Attorney briefed the Town Council regarding a recent consultation with Mary Beth Braitman, an attorney specializing in pensions and pension law from ICE MILLER. Her counsel was engaged regarding the pending question of authorizing a different benefit for the widow of the late Richard Hawkins from the 1925 Pension Plan that is currently provided. (*Presently, survivors would receive the greater of 50% of a First Class Patrol Officer Salary plus longevity of 20 years or 55% of the what the decedent spouse was receiving. The board wanted to change her benefit to be the same as her late spouse, which was 54% of a first class patrol officer with 20 years longevity.*) In the course of the consultation, an omission in the current iteration of the chapter in the municipal code fixing the pension benefits was discovered, inadvertently omitted in the recodification conducted in November 2012. The provisions were in the Code immediately in force prior to the recodification. The Town Attorney indicated that proposed Ordinance No. 1620 on the current agenda is prepared to rectify the unintended omission and to ratify policy since the recodification.

The Town Attorney further recommended that the matter for which Ms. Braitman was consulted, be the topic of a study session with the Town Council. It was determined that a study session immediately following the plenary business meeting of May 23, 2016 would be dedicated to the discussion of this matter. The Town Attorney would advise the representatives from the Pension Board of Trustees and the Police Chief regarding the meeting.

3. The Town Council discussed with the Building Commissioner the status of the Zoning Code review and revision conducted by the Arsh Group. The Building Commissioner advised that the project was nearing completion.
4. The Town Council, the Town Attorney, the Metropolitan Police Chief and the Parks and Recreation Superintendent discussed the proposed Ordinance No. 1619, that was proposed by the Traffic Safety Commission, designating certain streets in the vicinity of the Meadows Park and Hampton in Highland apartment complex as resident parking only, requiring a resident parking tag, provided by the Town. It was noted that parking in consequence of softball tournaments and the regular girls softball season, would be likely in violation of the ordinance as drafted. It was determined

that the ordinance should be adopted and after evaluating it operationally, amendments could be considered.

5. The Town Council reviewed the agenda of the imminent meeting of the Town Council.

The study session ended at 7:04 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 09, 2016 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Town Council President, Bernie Zemen, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Steve Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner, and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Randy Bowman, Assistant Inspector for Electrical Code; and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of April 25, 2016 were approved by general consent.

Special Orders:

1. **Public Hearing regarding Additional Appropriations:** Proposed Additional Appropriations in Excess of the 2016 Budget for the Advisory Board of Zoning Appeals Department of the **Corporation General Fund** in the amount of \$15,000 all by reduction.
 - (a) Attorney verification of Proofs of Publication: The TIMES 27 April 2016. The Town Attorney indicated that the proof of publication were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2016-18:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Advisory Board of Zoning Appeals Department of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2016-18 on the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no

negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2016-18 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
 Appropriation Enactment
 Enactment No. 2016-18**

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Advisory Board of Zoning Appeals Department of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Advisory Board of Zoning Appeals Department of the Corporation General Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Advisory Board of Zoning Appeals Department of the Corporation General Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

Decrease the following accounts:

| | |
|--|----------------------|
| Board of Works and Services Department | |
| Acct. 001-0011-34006 Deductibles: | \$ 2,500.00 |
| Acct. 001-0011-34008 Public Officials Liability: | \$ 6,000.00 |
| Acct. 001-0011-35002 Electric (Street Lights): | \$ 4,000.00 |
| | <i>Total Series:</i> |
| | \$ 12,500.00 |
| Total Department: | |
| | \$ 12,500.00 |

| | |
|--|----------------------|
| Town Hall and Monument Department | |
| Acct. 001-0012-36003 Building Repair & Maint.: | \$ 2,500.00 |
| | <i>Total Series:</i> |
| | \$ 2,500.00 |
| Total Department: | |
| | \$ 2,500.00 |

Increase the following account:

| | |
|--|----------------------|
| Advisory Board of Zoning Appeals Department | |
| Acct. 001-0002-31001 Legal Fees : | \$ 15,000.00 |
| | <i>Total Series:</i> |
| | \$ 15,000.00 |
| Total Department: | |
| | \$ 15,000.00 |

| | |
|-------------------------------|--------------|
| Total Departmental Decreases: | \$ 15,000.00 |
| Total Departmental Increases: | \$ 15,000.00 |

Total Fund Increase: \$ 0.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 9th Day of May 2016. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of May 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Public Hearing.** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 3400 block of Condit Street to be known as the **Condit Street Reconstruction Project II** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2016-18)

(a) Verification of Proofs of Publication. (IC 5-3-1; IC 36-9-17) The TIMES: 27 April 2016. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.

(b) **Open Public Hearing.** *Public Hearing Issue:* Whether the lots or tracts of land have been or will be benefited by the Improvements in the amount set forth in the Assessment Roll, such greater or lesser amount, or any amount at all. The Town Council President called the public hearing to order. The following comments or remarks were received:

1. Carl Nelson, 3436 Condit Avenue, Highland, inquired whether payment in full by cash would render any discount from the actual assessment. He was advised that no discount would ensue.

2. Hilda Kikkert Gard, 3414 Condit Avenue, Highland, inquired what the interest rate would be for waiver assessments and the time period for repayment. She was advised that the time period as drafted in the confirming order was five years. She was further advised that no interest rate had been fixed as that would be taken up with the motion on the order. She was further advised that historically the Town Council adopted seven percent (7%).

Ms. Kikkert Gard further inquired about her perception that there was a difference between the initial estimate for the assessments and the actual assessment under consideration. Ms. Kikkert Gard also inquired when the project would begin. With leave from the Town Council, the Public Works Director averred that he had no recollection of any estimate for the project in a sum certain. He further indicated that the actual contract for the project was awarded at the Town Council meeting of April 25, 2016. The Public Works Director indicated that the required paperwork would be completed by the end of May, at which time the project would begin.

3. Carol Hayes, 3426 Condit Avenue, Highland, inquired when payment for the assessment would be due. With leave from the Town Council, the Public Works Director explained that once the project was substantially completed, the Clerk-Treasurer would send notice of assessments offering the property holder thirty days to pay in full or sign and return a waiver agreement to allow payment according to amortization schedule once a year for five years until paid in full.

4. Michael _____, 3444 Condit Avenue, Highland, inquired how long for the project to be completed. With leave from the Town Council, the Public Works Director indicated that once the notice to proceed was given to the contractor, the project could be completed in 60 days, weather permitting.

Mr. _____ further inquired about parking during the project as he currently has no driveway at his residence.

5. Phil Evans, 3417 Condit Avenue, Highland, inquired about access to his house during construction. He noted that he was coordinating a roof repair for his home and he wanted to be he could proceed during street construction. Mr. Evans was advised that the only barrier to access would be once the curb and sidewalk forms were in place and the concrete poured.
6. An unidentified resident inquired whether he could obtain a tree for his parkway, which presently did not have one. With leave from the Town Council, the Public Works Director indicated that no trees would be installed where one did not exist before.

There being no further public comment, the Town Council President closed the public hearing.

- (c) Consideration of (Confirmatory) **Works Board Order No. 2016-19**: An Order Confirming the Special Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Condit Street Reconstruction Project. (*As drafted the waived repayment would be over 5 years an Interest rate of 7%.*)

Councilor Kuiper moved that the Works Board Order be adopted with an interest rate of seven percent (7%). Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
WORKS BOARD ORDER NO. 2016-19

AN ORDER OF THE WORKS BOARD CONFIRMING THE SPECIAL MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3400 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT.

WHEREAS, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

WHEREAS, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

WHEREAS, On April 25, 2016, the Town Council of the Town of Highland, Indiana, adopted Order of the Works Board No. 2016-18 entitled "*A Preliminary Order Adopting And Approving Municipal General Improvement Fund Special Assessment Rolls For Property Owners Benefiting From The 3400 Block Of Condit Street Reconstruction Project*", a copy is attached hereto as Exhibit "1"; and

WHEREAS, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2016-18; and

WHEREAS, The Town Council now desires to confirm Works Board Order No. 2016-18,

NOW, THEREFORE, be it ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board as follows:

Section 1. That the Town Council hereby confirms Works Board Order No. 2016-18;

Section 2. That the Town Council hereby sustains the presumptive assessments as indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements as defined in Works Board No. 2016-10 and confirmed in Works Board Order No. 2016-12;

Section 3. The Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

Section 4. The Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of **five (5)** years, with interest accruing on such unpaid portions at an interest rate of **7 percent** per annum, and also approves the substantially final form of Waiver Agreement attached hereto as Exhibit "2", to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9th day of May 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Witness.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Exhibit 1 of 2

TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2016-18

A PRELIMINARY ORDER ADOPTING AND APPROVING
MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL
ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING
FROM THE 3400 BLOCK OF CONDIT STREET RECONSTRUCTION
PROJECT

WHEREAS, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

WHEREAS, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

WHEREAS, Pursuant to Order of the Works No. 2016-10, the Town Council confirmed Order No. 2016-12 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 3400 block of Condit Street (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

WHEREAS, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as Exhibit A (each, an "Assessment Roll"), has been prepared and filed with this Town Council,

NOW, THEREFORE, be it herby ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board of the municipality, as follows:

Section 1. That the Town Council hereby adopts and approves the Assessment Roll for the Improvements to the 3400 block of Condit Street;

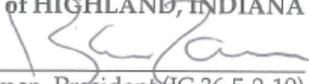
Section 2. That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at 7:00 p.m. on May 9, 2016, and the Town Council further directs the Clerk-Treasurer to publish notice of such

hearing and to mail notice of such hearing to property owners affected by the Improvements.

Be it So Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 25th day of April 2016 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL acting as the WORKS BOARD
of the TOWN of HIGHLAND, INDIANA


Bernie Zemen, President (IC 36-5-2-10)

Attest:


Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)



3400 Block of Condit Street Reconstruction Project
Estimated Assessments
5/2/2016

| Parcel No. | Legal Description | Owner | Parcel Street | Lot Width | Curb | Curb \$ | SW | SW \$ | Total \$ |
|--------------------------|--|------------------------------------|---------------|-----------|--------|------------|--------|------------|-----------|
| 45-07-22-328-011-000-026 | SOUTHETTS ADD. L 13 BL 1 | Kevin C Havens | Condit Street | 53.75 | 53.75 | \$1,021.25 | 53.75 | \$1,253.99 | 2,275.24 |
| 45-07-22-328-014-000-028 | SOUTHETTS ADD. L 14 BL 1 | Rene Chavez | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-015-000-028 | SOUTHETTS ADD. L 15 BL 1 | Timothy Crane | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-016-000-028 | SOUTHETTS ADD. L 16 BL 1 | Laura Schweitzer | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-017-000-028 | SOUTHETTS ADD. LOTS 17 A, 18 BL 1 | Phillip & Diane Evans | Condit Street | 100.00 | 100.00 | \$1,900.00 | 100.00 | \$2,333.00 | 4,233.00 |
| 45-07-22-328-019-000-026 | SOUTHETTS ADD. L 19 & W. 24FT. L 20 BL 1 | Anthony Zamerilli | Condit Street | 76.00 | 76.00 | \$1,444.00 | 76.00 | \$1,773.08 | 3,217.08 |
| 45-07-22-328-021-000-026 | SOUTHETTS ADD. L 21 BL 1 | Lake County Trust Company Tr #5671 | Condit Street | 74.00 | 74.00 | \$1,406.00 | 74.00 | \$1,726.42 | 3,132.42 |
| 45-07-22-328-022-000-026 | SOUTHETTS ADD. L 22 BL 1 | Amanda Smith | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-023-000-026 | SOUTHETTS ADD. L 23 BL 1 | Donald Lisle | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-024-000-026 | SOUTHETTS ADD. L 24 BL 1 | Emmanuel Comas & Branne K Sautod | Condit Street | 53.75 | 53.75 | \$1,021.25 | 53.75 | \$1,253.99 | 2,275.24 |
| 45-07-22-328-001-000-026 | SOUTHETTS ADD. L 13 BL 2 | GOUR Properties LLC | Condit Street | 53.77 | 53.77 | \$1,077.63 | 53.77 | \$1,254.45 | 2,276.08 |
| 45-07-22-328-002-000-026 | SOUTHETTS ADD. L 14 BL 2 | John & Michele McDennell | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-003-000-026 | SOUTHETTS ADD. L 15 BL 2 | Cornelia Kijokert | Condit Street | 100.00 | 100.00 | \$1,900.00 | 100.00 | \$2,333.00 | 4,233.00 |
| 45-07-22-328-004-000-026 | SOUTHETTS ADD. L 16 BL 2 | | | | | | | | |
| 45-07-22-328-005-000-026 | SOUTHETTS ADD. ALL LOT 8 BL 2 | John & Constance Gorski | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-006-000-026 | SOUTHETTS ADD. ALL LOT 7 BL 2 | Carol Stewczyk | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-007-000-026 | SOUTHETTS ADD. L 6 BL 2 | Bruce & Susana Welbourne | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-008-000-026 | SOUTHETTS ADD. L 5 BL 2 | Tara Thomson | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-009-000-026 | SOUTHETTS ADD. L 4 BL 2 | Carl & Fernis Nelson | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-010-000-026 | SOUTHETTS ADD. L 3 BL 2 | Whitney E Haseock | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-011-000-026 | SOUTHETTS ADD. LOT 2, BLOCK 2 | Ashley Kaster | Condit Street | 50.00 | 50.00 | \$950.00 | 50.00 | \$1,166.50 | 2,116.50 |
| 45-07-22-328-012-000-026 | SOUTHETTS ADD. L 1 BL 3 | Lauren Francis | Condit Street | 53.77 | 53.77 | \$1,021.63 | 53.77 | \$1,254.45 | 2,276.08 |
| | | | | 961.27 | 961.27 | 23,085.76 | 961.27 | 28,346.88 | 51,432.64 |

Exhibit 2 of 2

WAIVER AGREEMENT

This Waiver Agreement (the "Agreement") is made and entered into as of the ____ day of _____, 2016, by and between the Town of Highland, Indiana (the "Town"), and _____ the owner of certain property located within the city limits of the Town of Highland, Indiana (the "Property Owner"), and witnesses that:

WHEREAS, The Town has completed certain improvements, including reconstruction of curbs and sidewalks (the "Improvement"), affecting and benefitting certain property owned by the Property Owner; and

WHEREAS, The Town has determined to pay for the cost of the Improvement through its **Municipal General Improvement Fund** and the collection of special assessments to be levied against each property owner benefitting from such Improvement; and

WHEREAS, The Town has adopted an assessment roll which sets forth the amounts of the assessment for each parcel of property benefitted by the Improvement; and

WHEREAS, The Town has determined to permit owners of property benefitted by the Improvement, to pay the assessment in FIVE (5) annual installments, with interest to accrue at a rate of _____ per annum; and

WHEREAS, Property Owner has determined to pay the assessment by installments, and pursuant to Indiana Code 36-9-36 must enter into a written agreement; and

WHEREAS, The Town and the Property Owner each desire to enter into this Waiver Agreement.

NOW, THEREFORE, in the consideration of the foregoing premises and the mutual covenants and agreements contained herein, the Town and Property Owner agree as follows:

Section 1. Payments in Installments. The Property Owner acknowledges and agrees to pay the total assessment relating to the Improvement benefitting property owned by Property Owner in the amount of \$_____. Property Owner further agrees to pay such assessment in five annual installments of \$_____ (reflecting the total assessment plus interest at _____ per annum) plus interest.

Section 2. Waiver. Pursuant to Indiana Code 36-9-36, Property Owner agrees that in consideration of the privilege of paying the assessment in annual installments, Property Owner shall not make any objection to any illegality or irregularity regarding the assessment against Property Owner's property, and shall pay the assessment as required by law with specified interest, as set forth above in Section 1.

Exhibit "B"

Section 3. Applicable Laws. This Waiver Agreement is being entered into pursuant to the provisions of Indiana Code 36-9-36, and the Town and the Property Owner agree that all applicable provisions of Indiana law shall apply, including provisions relating to liens on property subject to assessment and foreclosure to enforce any such lien in the event of default in the payment of the assessment or any installment thereof.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first written above.

THE TOWN OF HIGHLAND ("TOWN")

By: _____

Printed: _____

Title: _____

_____("Property Owner")

By: _____

Printed: _____

Address: _____

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for April 2016**

| Permit Type | Number | Residential | Commercial | Est. Cost | Fees |
|-------------------------------------|------------|-------------|------------|---------------------|--------------------|
| Commercial Buildings: | 0 | 0 | 0 | \$0.00 | \$0.00 |
| Commercial Additions or Remodeling: | 5 | 0 | 5 | \$59,405.00 | \$1,053.00 |
| Signs: | 4 | 0 | 4 | \$12,042.00 | \$1,128.00 |
| Single Family: | 0 | 0 | 0 | \$0.00 | \$0.00 |
| Duplex/Condo: | 0 | 0 | 0 | \$0.00 | \$0.00 |
| Residential Additions: | 0 | 0 | 0 | \$0.00 | \$0.00 |
| Residential Remodeling: | 92 | 92 | 0 | \$635,140.00 | \$11,157.00 |
| Garages: | 2 | 2 | 0 | \$60,190.00 | \$1,098.50 |
| Sheds: | 4 | 4 | 0 | \$4,847.00 | \$424.00 |
| Decks & Porches: | 5 | 5 | 0 | \$31,995.00 | \$1,061.00 |
| Fences: | 19 | 19 | 0 | \$48,238.00 | \$1,768.50 |
| Swimming Pools: | 1 | 1 | 0 | \$0.00 | \$73.00 |
| DrainTile/ Waterproofing: | 3 | 3 | 0 | \$11,590.00 | \$329.00 |
| Miscellaneous | 6 | 4 | 2 | \$2,000.00 | \$610.00 |
| TOTAL: | 141 | 130 | 11 | \$865,447.00 | \$18,702.00 |
| Electrical Permits | 21 | 16 | 5 | | \$2,111.50 |
| Mechanical Permits | 10 | 7 | 3 | | \$752.00 |
| Plumbing Permits | 7 | 5 | 3 | | \$717.00 |
| Water Meters | 2 | 2 | 0 | | \$460.00 |
| Water Taps | 0 | 0 | 0 | | \$0.00 |
| Sewer/Storm Taps | 0 | 0 | 0 | | \$0.00 |
| TOTAL Plumbing: | 9 | 7 | 2 | | \$1,177.00 |

April Code Enforcement:

Investigations: 64
Citations: 5

April Inspections:

Building: 32 Electrical: 28 Plumbing: 13 HVAC: 16
Electrical Exams: 6

• **Fire Department Report for April 2016**

| | Month | 1st half of year |
|-------------------|-------|------------------|
| General Alarms | 10 | 38 |
| Still Alarms | 4 | 23 |
| Paid still alarms | 26 | 106 |
| Total: | 40 | |

• **Workplace Safety Report for April 2016**

There were five incidents to report for April. The following incident summary was filed:

| Department | Injuries this Month | Year to Date 2016 | Total in 2015 | Restricted Days 2016 | Lost Workdays This Year (2016) | Restricted Days Last Year (2015) | Lost Workdays Last Year (2015) |
|---------------|---------------------|-------------------|---------------|----------------------|--------------------------------|----------------------------------|--------------------------------|
| Parks | 0 | 1 | 1 | 12 | 0 | 0 | 0 |
| Fire | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Police | 3 | 3 | 1 | 2 | 0 | 0 | 0 |
| Street | 0 | 0 | 2 | 0 | 0 | 0 | 0 |
| Water & Sewer | 2 | 2 | 4 | 0 | 0 | 5 | 0 |
| Maint. | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| TOTALS | 5 | 6 | 9 | 14 | 0 | 5 | 0 |

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Proposed Ordinance No. 1619:** An Ordinance Amending The Parking Schedules Of Chapter 10.35 Of The Highland Municipal Code For The Town Of Highland, Indiana, Repealing All Ordinances And Conflict Therewith And Declaring An Emergency.

Councilor Kuiper introduced and moved the consideration of Ordinance No. 1619 on the same meeting of its introduction. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Kuiper moved the passage and adoption of Ordinance No. 1619 at the same meeting of its introduction. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**ORDINANCE NO. 1619
of the
TOWN OF HIGHLAND, INDIANA**

AN ORDINANCE AMENDING THE PARKING SCHEDULES OF CHAPTER 10.35 OF THE HIGHLAND MUNICIPAL CODE FOR THE TOWN OF HIGHLAND, INDIANA, REPEALING ALL ORDINANCES AND CONFLICT THEREWITH AND DECLARING AN EMERGENCY

WHEREAS, the Town Council of the Town of Highland is the municipal legislative body of the unit; and

WHEREAS, with the passage of time various Ordinances, Codes, and Procedures of the Town of Highland must be amended; and

WHEREAS, with the passage of time various practices, policies, and procedures must be updated; and

WHEREAS, the Town Council is interested in amending the Parking Schedules in Chapter 10.35 of the Highland Municipal Code to protect the public health, safety and welfare in all traffic safety programs to meet local needs, among others things; and

WHEREAS, the Town Council desires to amend the Parking Schedules set forth in Chapter 10.35 of the Highland Municipal Code in order to insure public health, safety and welfare insofar as they are affected by traffic laws and traffic safety education within the Town of Highland, Indiana, and to provide that vehicle operators that do not comply with these provisions shall be penalized to provide a minimum level of health and safety as required herein; and

WHEREAS, the Town Council desires to amend Chapter 10.35 of the Highland Municipal Code as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Chapter 10.35

PARKING SCHEDULES

1. Section 10.35.040 Schedule III – Parking prohibited at all times is amended to add the following locations:
 - Prairie Avenue from Azalea to Industrial Drive on the east side of the street.
 - From the entrance of Prairie Square to Industrial Drive on the west side of the street.
 - On Azalea from Prairie to Southmoor on the south side of the street.
 - Southmoor from Hart of Azalea on the east side of the street.
 - On the south side of Hart from the eastern most property line at 9347 Waymond east to Indianapolis Boulevard.
 - On Hart from Southmoor to Indianapolis Boulevard on the south side of the street.

2. Section 10.35.100 Schedule IX – Parking without special permit display prohibited is amended by adding the following locations:
 - Prairie from Azalea to the entrance of Prairie Square on the west side of the street.
 - From 2116/2117 Azalea east to Prairie on the south side of the street and east to Southmoor on the north side of the street.
 - From 2116/2117 44th east to Prairie on both the north and south sides of the street.
 - From 9320 Southmoor on the west side of the street to Azalea.
 - From 9321 Southmoor on the east side of the street to Hart Road.
 - From 9320/9321 Waymond on both the east and west sides of the street to Hart.

Introduced and filed on the 9th day of May 2016. Consideration on the first reading sustained by a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th day of May 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

BERNIE ZEMEN, President (IC 36-5-2-10)

ATTEST:

MICHAEL W. GRIFFIN, IAMC/MMC/CPFA,
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Proposed Ordinance No. 1620:** An Ordinance to Amend Chapter 9.10 of the Highland Municipal Code, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency.

Councilor Wagner introduced and moved the consideration of Ordinance No. 1620 on the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Wagner moved the passage and adoption of Ordinance No. 1620 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE No. 1620
of the**

TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND CHAPTER 9.10 of the HIGHLAND MUNICIPAL CODE RELATING to PUBLIC SAFETY, REPEALING ALL ORDINANCES in CONFLICT THEREWITH, and DECLARING an EMERGENCY

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt a technical and substantive modification to Section 9.10.240, to correct for an omission from the prior code, omitted in the most recent re-codification, in order to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 9.10.240, of the Highland Municipal Code be amended by **repealing it in its entirety and replacing it with the** following, which shall read as follows:

9.10.240 Survivors' and dependents' benefits from the 1925 fund.

(A) The 1925 fund shall be used to pay funeral benefits to the heirs or estate of an active or a retired member of the police department who has died from any cause in an amount hereby fixed at ~~\$9,000~~ **twelve thousand dollars (\$12,000), pursuant to IC 36-8-6-9.8 as amended from time to time. for a member who dies after December 31, 1998.**

(B) The funeral benefit set forth in subsection (A) of this section may be payable in advance of allowance by the board of proper jurisdiction according to the terms of IC 36-5-4-12(b)(13).

(C) In addition, payment shall be made from the 1925 fund to the surviving spouse of a deceased member who dies before January 1, 1989, in an amount hereby fixed as follows:

(1) To the surviving spouse, an amount at least equal to ~~50~~ **fifty percent (50%)** of the monthly pay of a first class patrol officer per month during the surviving spouse's life if the spouse did not remarry before September 1, 1983;

(2) If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage owing to prior law, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse;

(D) In addition, payment shall be made from the 1925 fund to the surviving spouse of a deceased member who dies after December 31, 1988, in an amount hereby fixed as the greater of:

(1) To the surviving spouse, an amount at least equal to fifty percent (50%) of the monthly pay of a first class patrol officer per month during the surviving spouse's life; or

(2) To the surviving spouse, an amount at least equal to fifty-five (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death, to continue during the surviving spouses's life.

~~(E)~~ (E) A payment shall also be made from the 1925 fund to each child of a deceased member under the age of 18 years, in an amount hereby fixed as an amount equal to 20 percent of the monthly pay of a first class patrol officer, per month to each child:

(1) Until the child reaches the age of 18;

(2) Until the child reaches the age of 23 years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or

(3) During the entire period of the child's physical or mental disability, whichever period is longer.

~~(E)~~ (F) The total of benefits paid under subsection (D) of this section added to the benefits under subsection (B) of this section or the benefits under subsection (C) of this section may not exceed the maximum benefits computed under IC 36-8-6-9 (adopted herein as HMC 9.10.230) for pension payments to a member who retires from active

service after 20 years or more of active service.

~~(F)~~ (G) If a deceased member leaves no surviving spouse and no child who qualifies for benefits under subsection (D) of this section but does leave a dependent parent or parents, an amount equal to 20 percent of the monthly pay of a first class patrol officer per month from the time of his death shall be paid from the 1925 fund to the dependent parent or parents during their dependency. When both parents survive, the total amount is still 20 percent to be paid to them jointly.

~~(G)~~ (H) In all cases of payments made pursuant to this section, the board of trustees of the police pension fund is the final judge of the question of necessity and dependency and of the amount to be paid. The board shall have the continuing power to reduce or terminate temporarily or permanently a payment to a dependent relative of a deceased member when it determines that the condition of the 1925 fund or any other circumstances may warrant or render necessary such reduction or termination.

(H) (I) If the salary of a first class patrol officer is increased or decreased, the benefit fixed and payable under this section shall be proportionately increased or decreased. Such proportionate increases or decreases shall be deemed fixed by ordinance of the legislative body.

~~(H)~~ (J) For the purposes of this section, "salary of a first class patrol officer" means the base salary of a first class patrolman plus all longevity increases, if provided by the employer, for service of 20 years or less, but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or compensatory time off.

~~(J) Effective beginning in fiscal year 1996, for the purposes of this section, "salary of a first class patrol officer" means the base salary of a first class patrolman plus all longevity increases, if provided by the employer, for service of 20 years but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or compensatory time off. [Ord. 1183 § 2, 2001, Code 2000 § 51.26].~~

Section 2. That the provisions restored to the code and set forth in Section 9.10.240(D) of this amendment, shall be deemed to have been in full force and effective from November 26, 2012, and any such payments made pursuant to its terms from and after that date, are hereby ratified and approved, all pursuant to IC 36-1-4-16;

Section 3. That all provisions of ordinances in conflict with the provisions hereof are hereby repealed.

Section 4. That this ordinance shall become and be in full force and effect from and after its adoption, passage and two weeks following its publication in the manner prescribed by law and until its subsequent amendment or repeal by proper ordinance.

Introduced and Filed on the 9th Day of May 2016. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of May 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments or Remarks from the Town Council: (For the Good of the Order)

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak acknowledged the Public Works Director, who reported on the progress of the Kennedy Avenue Water main Improvement Project.

The Public Works Director also offered a survey of pending projects in the Department of Public Sanitation.

- **Councilor Dan Vassar:** • *Liaison to the Park and Recreation Board.*

Councilor Vassar welcomed Councilor Wagner back from his work on the Steelworkers Collective bargaining agreement.

Councilor Vassar also expressed condolences to the Turoci family on the death of James Turoci, former twice serving police chief, and long serving member of the Town Board of Metropolitan Police Commissioners.

Councilor Vassar also congratulated Alex M. Brown on the elevation of his daughter to Prom Queen.

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported that the dance class offered as part of recreation programming elected to offer a dance showcase, to be held Friday, May 20. He noted that 600 tickets had already been sold.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner commended the Parks and Recreation Superintendent to be sure that as the summer workers are hired, that they be given proper safety equipment and instruction in safe working techniques.

Councilor Wagner acknowledged the Building Commissioner, who offered a survey of matters before the Advisory Board of Zoning Appeals and the Plan Commission.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison.* • *Fire Department, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief, who reported that several departments and representatives from the School Town, conducted a tabletop drill that morning, simulating a severe weather incident, such as a tornado.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison* • *IT Liaison* • *Redevelopment Commission Liaison.*

The Town Council President also offered condolences to the Turoci Family on the sudden death of James Turoci. The Town Council President recounted some memories of his service and noted that he would be missed.

With leave from the Town Council, Councilor Herak also offered condolences to the Turoci Family. Councilor Herak recounted his own first time as a member of the then Board of Town Trustees and that board's role in elevating James Turoci to Police Chief. Councilor Herak also recalled Turoci's service and some of the notable incidents in his career.

Comments from Visitors or Residents:

1. Rick Volbrecht, 9221 Parkway Drive, Highland, offered his impression that the Town had canceled a contract with Baxter Printing, owned by the Turoci Family.

Mr. Volbrecht inquired whether the ordinance amending the parking just passed by the Town Council would address parking problems Mr. Volbrecht perceived were associated with Prairie Square? He also inquired whether Prairie Square was zoned as a Planned Unit Development.

With leave from the Town Council, the Building Commissioner indicated Prairie Square was not a Planned Unit Development. It was further noted that any of the earlier parking issues that were associated with Prairie Square had been resolved. It was still further noted that the Prairie Avenue near the Prairie Square was designated as a no-parking street.

Finally, Mr. Volbrecht asked whether hotel or innkeeper taxes were collected by Prairie Square, as an extended stay hotel. With leave from the Town Council, the Clerk-Treasurer indicated that the Innkeeper Tax only applied to residential uses of 30 days or less.

2. Gene Krolak, 2147-44th Street, Highland, inquired whether his street was to be included in the ordinance just adopted restricting the streets to residents only parking.
3. Edward Pomplun, 9450 Southmoor, Highland, expressed his thanks to the Town Council for passing the ordinance amending the parking schedules.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 26, 2016 through May 09, 2016 and the payroll docket for April 30, 2016. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$303,917.59; Motor Vehicle Highway and Street (MVH) Fund, \$18,862.87; Local Roads and Streets Fund, \$8,611.20; Federal Forfeited and Seized Assets Fund, \$1,258.54; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,992.61; Flexible Spending Account Agency Fund, \$2,093.01; Insurance Premium Agency Fund, \$145,694.58; Gasoline Agency Payment Fund, \$13,086.40; Information and Communications Technology Fund, \$8,927.58; Civil Donation Fund, \$500.00; Special Events Non Reverting Fund, \$687.30; 1925 Police Pension Fund, \$62,208.57; Traffic Violations and Law Enforcement Agency Fund, \$6,987.50; Gaming Revenue Sharing Fund, \$7,722.30; Total: \$620,225.05.

Payroll Docket for payday of April 30, 2016:

Council, Boards and Commissions, \$8,537.22; Office of Clerk-Treasurer, \$14,909.65; Building and Inspection Department, \$7,335.19; Metropolitan Police Department, \$107,693.02; Fire Department, \$26,180.84; Public Works Department (Agency), \$62,885.05 and 1925 Police Pension Plan Pension Fund, \$62,127.83; Total Payroll: \$289,688.80.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, May 09, 2016 was adjourned at 7:46 O'clock p.m. There was no study session following this meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer